

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alfredo Gonzalez	Team: Squad #7	CCRB Case #: 201404066	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/17/2014 11:45 PM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 10/17/2015	EO SOL 10/17/2015	
Date/Time CV Reported Mon, 04/28/2014 1:59 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/28/2014 1:59 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. DT3 Antonio Santana	06279	933323	NARCBBN
3. DT3 Charles Ingrassia	1149	938694	NARCBBN
4. CPT Fernando Guimaraes	00000	915848	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 John Mchugh	00581	948163	NARCBBN
2. DT3 Tina Stuart	03291	927973	NARCBBN
3. SGT Omar Colon	03037	929921	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Charles Ingrassia	Abuse: Det. Charles Ingrassia entered and searched § 87(2)(b) in Brooklyn.	[REDACTED]
B.CPT Fernando Guimaraes	Discourtesy: Cpt. Fernando Guimaraes spoke discourteously to § 87(2)(b)	[REDACTED]
C.DT3 Antonio Santana	Discourtesy: Det. Antonio Santana spoke discourteously to § 87(2)(b) and § 87(2)(b)	[REDACTED]
D. An officer	Force: An officer used physical force against § 87(2)(b)	[REDACTED]
E. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	[REDACTED]

Case Summary

On April 28, 2014, § 87(2)(b) filed this complaint with the CCRB via phone (encl. B8). On April 17, 2014, at approximately 11:45 p.m., officers executed a search warrant at § 87(2)(b)'s residence, located at § 87(2)(b) in Brooklyn. The following allegations resulted:

- **Allegation A- Abuse of Authority – Det. Charles Ingrassia entered and searched**
§ 87(2)(b) **in Brooklyn.**
§ 87(2)(g)
- **Allegation B – Discourtesy – Cpt. Fernando Guimaraes spoke discourteously to** § 87(2)(b)
- **Allegation E – Discourtesy – Det. Antonio Santana spoke discourteously to** § 87(2)(b) **and**
§ 87(2)(b)
§ 87(2)(g)
- **Allegation C – Force – An officer used physical force against** § 87(2)(b)
- **Allegation D – Discourtesy – An officer spoke discourteously to** § 87(2)(b)
§ 87(2)(g)

This case was not eligible for mediation. This case was originally assigned to Investigator Hannah Omolade. On December 11, 2014, the case was reassigned to Investigator Alfredo Gonzalez.

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b) *was § 87(2)(b) at the time of this incident. She is a 5'7" tall, 192-pound Hispanic woman with black hair and brown eyes.*
- § 87(2)(b)

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on May 14, 2014 (encl. C1 – C5).

On April 17, 2014, at approximately 11:45 p.m., officers arrived at § 87(2)(b)'s residence, § 87(2)(b) in Brooklyn, and knocked on her door. § 87(2)(b) resides at the apartment with her children, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b). When § 87(2)(b) did not immediately open the door, officers used a ram to gain entry.

An officer grabbed § 87(2)(b) off of the couch by her arm and pointed his firearm at her face. Numerous officers were pointing their firearms at other tenants inside of the apartment. § 87(2)(b) complained about the officer's actions and was quickly handcuffed. An officer described as a 5'6" tall white man in his 40s with salt and pepper hair, who was identified via investigation as Captain Fernando Guimaraes, responded that § 87(2)(b) needed to "sit the fuck down," and she was lucky that the officers were not taking her "fucking kids."

A friend of § 87(2)(b), § 87(2)(b) was sitting in a chair in her kitchen at the time. Three officers, PO4, PO5 and PO6, all white men in SWAT gear, entered the kitchen area. PO4 kicked § 87(2)(b)

§ 87(2)(b) directly in his chest causing him to fall to the ground. He was subsequently handcuffed. § 87(2)(b) never lunged at the officers or tried to get away.

§ 87(2)(b) did not witness any interaction between the officers and § 87(2)(b) the subject of the warrant, as § 87(2)(b) was apprehended from the back bedroom. She was later informed that he threw narcotics out of his window.

All the tenants were handcuffed and escorted to the living room. § 87(2)(b) heard PO4 ask § 87(2)(b) what his name was and when § 87(2)(b) responded, PO4 countered, “No, motherfucker. We know they call you § 87(2)(b) in the street.”

Det. Antonio Santana, identified via the investigation, asked § 87(2)(b) about § 87(2)(b) § 87(2)(b) her child’s father. Det. Santana then stated to § 87(2)(b) “I remember when § 87(2)(b) tried to execute one of my fucking officers.”

§ 87(2)(b) asked Det. Santana “where the warrant was,” and officers confirmed that they did have a warrant but it was never presented to § 87(2)(b) § 87(2)(b) and § 87(2)(b) were escorted from the apartment and transported prior to the search of the apartment commencing.

§ 87(2)(b) s case was dismissed, § 87(2)(b) s case is pending and § 87(2)(b) and § 87(2)(b) were incarcerated as a result of the narcotics and weapon charges.

Witness: § 87(2)(b)

§ 87(2)(b) provided a phone statement to the CCRB on July 24, 2014 (encl. C10). When § 87(2)(b) abruptly rose from his seat, an officer, described as a 6’5” tall white or Hispanic man in SWAT gear, kicked § 87(2)(b) in the chest, causing him to fall to the ground. § 87(2)(b) was handcuffed at the time in which force was used. When prompted, § 87(2)(b) also confirmed that officers stated, “Shut the fuck up” to § 87(2)(b) at least two times. An officer pushed § 87(2)(b) in her chest numerous times.

Witness: § 87(2)(b)

§ 87(2)(b) provided a phone statement to the CCRB on July 30, 2014 (encl. C12). § 87(2)(b) observed officers searching the apartment. An officer informed § 87(2)(b) that someone should slap her nephew § 87(2)(b) because the way he is going, he will end up like his father. § 87(2)(b) did not make allegations of discourteous language or threats.

Attempts to Contact Civilians

§ 87(2)(b) missed two appointments at the CCRB and did not respond to attempts to contact her thereafter. § 87(2)(b) declined to allow § 87(2)(b) to provide a statement and § 87(2)(b) declined to come in for a formal interview. § 87(2)(b) was called numerous times at multiple numbers obtained from § 87(2)(b) his attorney and the Lexis Nexis database, but was uncooperative in providing a statement. For additional details regarding contact attempts, see encl. L2 – L19.

NYPD Statements:

Subject Officer: DET. CHARLES INGRASSIA

- *For Det. Ingrassia’s pedigree and assignment information, see encl. D21.*

Memo Book

Det. Ingrassia made extensive memo book entries regarding the search warrant execution. He noted that 482 twists of crack cocaine, marijuana, and a 25 caliber handgun were recovered from the location (encl. D2).

Arrest Paperwork

Det. Ingrassia prepared the arrest reports for § 87(2)(b) and § 87(2)(b) (encl. D20). In the Criminal Court Complaint, Det. Ingrassia noted that two individuals under the age of § 87(2)(b) were in the premises and he listed the location of all evidence recovered. The District Attorney declined to prosecute § 87(2)(b)'s case.

Search Warrant

Search warrant § 87(2)(b) were issued for § 87(2)(b) and the basement of § 87(2)(b), in Brooklyn (encl. D13 – D15, D6). Search warrant § 87(2)(b) was for narcotics, specifically crack cocaine, marijuana and related paraphernalia, and for three men who are uninvolved in this complaint. The warrant authorized officers to enter the location without knocking and seize evidence.

CCRB Statement

Det. Ingrassia was interviewed at the CCRB on November 13, 2014 (encl. D23).

At the time of this incident, Det. Ingrassia executed two search warrants at § 87(2)(b) and the basement of the location. While in the basement, he heard a window open and observed a man, identified via investigation as § 87(2)(b) throw a black bag (later learned to contain 482 twists of crack cocaine) out of the window.

By the time Det. Ingrassia arrived at § 87(2)(b), all the tenants were handcuffed. He did not see any officer draw or point their firearm and Det. Ingrassia did not do so himself. He did not hear an officer use the alleged profanity or threats, and did not do so himself.

Det. Ingrassia did not recognize the descriptions, as provided by § 87(2)(b) for the remaining unidentified subject officers.

A large quantity of various narcotics and a loaded handgun were recovered from the premises, and as a result, everyone was arrested.

Subject Officer: DET. ANTONIO SANTANA

- *For Det. Santana's pedigree information and assignment, see enclosure E4.*

Memo Book

Det. Santana had memo book entries pertaining to this incident (encl. E3).

CCRB Statement

PO Santana was interviewed at the CCRB on October 17, 2014 (encl. E6). § 87(2)(g)

Upon entering the location, Det. Santana had his gun drawn and pointed in front of him, but was uncertain whether any other officers had their firearms pointed. § 87(2)(b) attempted to flee and Det. Santana holstered his firearm and successfully handcuffed her. During his CCRB interview, Det. Santana viewed the pre-execution search warrant plan and confirmed that he recalled seeing Sgt. Colon, Det. McHugh, Det. Ingrassia, Det. Nacelewicz, PO Catano and PO Gilesbie at the location but not PO Stuart or PO Muskin.

Once he was done securing § 87(2)(b) Det. Santana noticed that § 87(2)(b) and § 87(2)(b) had already been handcuffed. § 87(2)(b) repeatedly attempted to flee and was told several times to sit down. Det. Santana did not hear any officers tell § 87(2)(b) "You need to sit the fuck down. You're lucky we're not taking your fucking kids away," and Det. Santana did not make this statement.

Det. Santana did not know § 87(2)(b) or his street name "§ 87(2)(b)" and did not have a conversation with him in regard or witness another officer involved in this discussion. § 87(2)(b) did not complain about being kicked in the chest.

Det. Santana denied using or hearing another officer use the alleged profanity during the interaction.

Subject Officer: CPT. FERNANDO GUIMARAES

- *For Cpt. Fernando Guimaraes' pedigree and assignment information, see enclosure G1.*

CCRB Statement

Cpt. Guimaraes was interviewed at the CCRB on December 30, 2014 (G3 – G4). § 87(2)(g)

Cpt. Guimaraes was the overall supervisor of the search warrant execution. He formed part of the basement entry team. Once the basement was secured, he and other officers proceeded to § 87(2)(b) offer assistance. Cpt. Guimaraes did not recall which officers accompanied him to the apartment. Upon entering the location, Cpt. Guimaraes observed five civilians in the premise, four of which were under arrest. He also observed two minors present.

Cpt. Guimaraes did not see any officers with their weapons drawn. He did not hear any officers speak discourteously to § 87(2)(b) or to § 87(2)(b) nor did he do so himself.

Cpt. Guimaraes did not recall a specific conversation related to ACS taking place during the incident, but acknowledged that it is procedure to contact ACS when there are minors present in household in which narcotics and/or weapons are found. He denied threatening to take § 87(2)(b)s “fucking kids” or telling her to “sit the fuck down.”

Witness Officer: DET. JOHN MCHUGH

- *For Det. McHugh's pedigree and assignment information, see enclosure F4.*

Memo Book

Det. McHugh had memo book entries pertaining to this incident (encl. F2).

CCRB Statement

Det. John McHugh was interviewed at the CCRB on November 12, 2014 (encl. F6). § 87(2)(g)

Det. McHugh breached the basement door, directly across from § 87(2)(b) with officers who he could not recall. In the basement, Det. McHugh recovered a firearm and a substantial amount of crack cocaine. Det. McHugh did not enter § 87(2)(b) on this day. He did not hear any officer use profanities toward a civilian during the interaction.

Witness Officer: SGT. OMAR COLON

- *For Sgt. Omar Colon's pedigree and assignment information, see enclosure H4.*

Memo Book

Sgt. Colon had a memo book entries pertaining to this incident (see encl. H2).

CCRB Statement

Sgt. Colon was interviewed at the CCRB on December 11, 2014 (encl. H6). Sgt. Colon was the entry team leader for the basement and the fifth member of the stack team. Because Sgt. Colon was assigned to the basement, he could not recall which officers entered § 87(2)(b) and acknowledged that it could be different than what is listed in the tactical plan.

The basement was secured in approximately five minutes. Sgt. Colon noted that narcotics and a firearm were recovered by Det. Ingrassia, but he did not witness the recovery. Sgt. Colon remained in the basement from the time the door was breached until the search was concluded, which was approximately 15 minutes.

Sgt. Colon then entered § 87(2)(b) and observed five or six people, some of whom were under arrest and being led to a prisoner van. He did not recall which officers were leading the individuals. Sgt. Colon did not recall how many officers were in the apartment.

Sgt. Colon did not have his gun drawn when he entered § 87(2)(b) and he did not recall any other officers having their weapons drawn. When shown a photograph of § 87(2)(b) Sgt. Colon did not recognize her.

Sgt. Colon did not observe any officers use discourteous language towards § 87(2)(b) or towards § 87(2)(b) nor did he observe any officers use physical force against § 87(2)(b).

Sgt. Colon did not recall what contraband was recovered from inside of the apartment.

NYPD Documents

- The pre-execution search warrant listed nine members of Narcotics Borough Brooklyn North who entered the location. All of their photos were obtained and analyzed (encl. I1).
- Field-tested positive crack cocaine (468+ twists), paraphernalia, marijuana, a 25 caliber pistol, prescription drugs and other various items were vouchered as arrest evidence (encl. I3 – I22).
- § 87(2)(b) command log entry noted that his condition was normal with no injuries (encl. I23).

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- On December 3, 2014, an inquiry was sent to the City of New York to determine whether a Notice of Claim exists. As of the writing of this report, the response is pending.

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians CCRB History

- § 87(2)(b) has filed four other CCRB complaints and § 87(2)(b) have been involved in six other CCRB complaints, none of which include substantiated allegations (encl. B7).

Subject Officers CCRB History

- PO Ingrassia has been a member of the service for nine years and there are two substantiated CCRB allegations against him (encl. B1):
 - In CCRB case 201101537, the CCRB panel substantiated stop and search allegations against Det. Ingrassia and recommended Command Discipline. The NYPD issued him a Command Discipline B in regard.
- Det. Santana has been a member of the service for 11 years and there are three substantiated CCRB allegations against him (encl. B3):
 - In CCRB case number 201102711, the CCRB panel substantiated entry, search and stop allegations against Det. Santana and recommended Charges. The NYPD issued Instructions for the entry and stop and declined to prosecute the search.
- Captain Guimaraes has been a member of the service for 19 years and there is one substantiated CCRB allegation against him (encl. B5):
 - In CCRB case number 200714219, the CCRB panel substantiated an entry allegation against Captain Guimaraes and recommended Charges. The NYPD declined to take disciplinary action.

Conclusion

Identification of Subject Officers

§ 87(2)(g)

§ 87(2)(b) described an officer who spoke discourteously to her as a 5'6" tall white man in his 40s with salt and pepper hair. Cpt. Guimaraes, a § 87(2)(b)-old, 5'8" tall white man with salt and pepper hair, was the only member of the field team who matched the description. § 87(2)(g)

§ 87(2)(b) could not describe the officer who allegedly kicked § 87(2)(b) and spoke discourteously to him. § 87(2)(b) described the subject officer as a 6'5" tall white or Hispanic man. § 87(2)(g)

§ 87(2)(b) identified Det. Santana by name, accurately described him, and attributed a discourteous language allegation to him. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b) alleged that officers drew and pointed their weapons and used some force against the tenants, in the form of pushing and pulling. § 87(2)(g)

Though § 87(2)(b) allegedly discussed the search warrant with Det. Santana, she did not explicitly request to see it. § 87(2)(g)

§ 87(2)(b) informed § 87(2)(b) that Det. Santana threatened to contact ACS and stated, "You need to tell your fucking nephew to stop fucking following in his father's footsteps." However, § 87(2)(b) did not mention these allegations in her phone statement and § 87(2)(b) did not hear the threat or discourteous language firsthand. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A- Abuse of Authority – Det. Charles Ingrassia entered and searched

§ 87(2)(b) in Brooklyn.

It is undisputed that Det. Ingrassia and other officers entered and searched § 87(2)(b)'s apartment, as well as the basement in the same building, after obtaining search warrants for the two locations.

Officers may forcibly enter and search a location, without notice, pursuant to the instructions and temporal restrictions enumerated on a valid search warrant. N.Y.S. Criminal Procedure Law, Section 690.50 (encl. A1).

§ 87(2)(g)

Allegation B – Discourtesy – Cpt. Fernando Guimaraes spoke discourteously to § 87(2)(b)

Allegation E – Discourtesy – Det. Antonio Santana spoke discourteously to § 87(2)(b) and

§ 87(2)(b)

§ 87(2)(b) alleged that Cpt. Guimaraes told her to "sit the fuck down" and that she was "lucky we're not taking your fucking kids away." At another point during the incident, Det. Santana discussed stated to § 87(2)(b) "I remember when § 87(2)(b) tried to execute one of my fucking officers." § 87(2)(b)'s phone statement alleged that some officers used discourteous language towards her mother,

telling her to “shut the fuck up,” but she did not confirm § 87(2)(b)'s allegations. Cpt. Guimaraes and Det. Santana deny having spoken discourteously to § 87(2)(b) or hearing any other officers speak discourteously to her. Cpt. Guimaraes did not recall interacting or speaking with § 87(2)(b) but he did acknowledge seeing an older woman handcuffed in the apartment. Det. Santana acknowledged that he was familiar with § 87(2)(b) but denied having any knowledge of the civilians' relation to him during the execution of the search warrant.

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Force – An officer used physical force against § 87(2)(b)

Allegation D – Discourtesy – An officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that § 87(2)(b) was kicked in the chest by an unidentified officer while he was sitting down on a chair in the kitchen. He was then subsequently handcuffed. § 87(2)(b) also alleged that § 87(2)(b) was kicked in the chest; however, this was done after he was placed in handcuffs. Both § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b) was not resisting. § 87(2)(b) described the subject officer as a 6'5" tall white or Hispanic male, while § 87(2)(b) could only describe him as a white male. All of the interviewed officers denied having used any type of physical force against § 87(2)(b) nor did they witness any other officers use physical force against him. § 87(2)(b) also alleged that an officer stated to § 87(2)(b) “No motherfucker. We know they call you § 87(2)(b) on the street. The interviewed officers denied speaking discourteously to § 87(2)(b) and they did not recall hearing other officers speak discourteously to him.

§ 87(2)(b) was uncooperative with the investigation; § 87(2)(b) and § 87(2)(b) provided the sole account of § 87(2)(b) interaction with the officers. § 87(2)(g)

§ 87(2)(b) In terms of the discourtesy, § 87(2)(b) did not allege that officers spoke discourteously to § 87(2)(b). The interviewed officers denied using any physical force against § 87(2)(b) nor did they witness any officer using physical force. § 87(2)(g)

§ 87(2)(g)

Team: _____ Pod 7 _____

Investigator: _____
Signature _____ Print _____ Date _____

Supervisor: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
 Title/Signature Print Date